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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,503	02/20/2004	Kenneth M. Kane	1700-005P/FLS	7582
22831	7590	02/03/2006	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			DUNWIDDIE, MEGHAN K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)	
	10/783,503	KANE ET AL.	
	Examiner	Art Unit	
	Meghan K. Dunwiddie	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the amendment filed on October 24, 2005 by **Kane**.

Response to Arguments

1. Applicant's arguments, see pages 5-7, filed October 24, 2005, with respect to the rejection(s) of claim(s) 1-6 under **Brockmann et al.** (US 2002/0060911) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Labrum** (US 4210955).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Labrum** (US 4210955).

4. In reference to Claim 1, **Labrum** shows a specialized lighting fixture of the type comprising:

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- A lamp housing [Figure 1: (10)] enclosing a source of illumination and a plurality of framing shutters [Figure 2: (15 and 16)] for shaping and confining a light beam emitted by said fixture,
- Said framing shutters are mounted in said housing for radial and/or tilting adjustment with respect to said housing and have first portions extending outward from said housing and hand grip portions at outer ends of said first portions for manually gripping and adjusting said framing shutters [See column 3 lines 3-5 in reference to Figure 2: (25)],
- Said housing includes means for frictionally engaging said framing shutters whereby said shutters tend to remain in adjusted positions in which they are set by an operator [See column 2 lines 57-68 – column 3 lines 1-3],
- First and second locking plates generally surrounding said housing and positioned respectively on opposite sides of the outwardly extending first portions of said framing shutters and arranged to bear against said first portions [See column 2 lines 57-68 – column 3 lines 1-3 in reference to Figure 4: (19 and 20)],
- And releasable locking elements engaging said locking plates for causing said locking plates to apply clamping pressure to said outwardly extending first portions and thereby locking said framing shutters in their adjusted positions with respect to said housing [See column 2 lines 57-68 – column 3 lines 1-3].

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5. In reference to Claim 4, **Labrum** shows:

- Said locking plates [Figure 4: (19 and 20)] comprise elements of closed configuration having at least portions thereof in close contact with said housing [Figure 4: (10)] to position said plates with respect to said housing [See Figures 2 and 4].

6. In reference to Claim 5, **Labrum** shows:

- Said housing [Figure 4: (10)] is of generally circular cross sectional configuration,
- And said locking plates [Figure 4: (19 and 20)] comprise generally circular, ring-like members having a close fitting relationship with said housing [See Figures 2 and 4].

7. In reference to Claim 6, **Labrum** shows:

- Said framing shutters comprise thin sheet-like elements including integral portions thereof projecting generally radially from said housing and forming said outwardly extending first portions [Figure 2: (15, 16, 15a, and 16a)].

8. In reference to Claim 7, **Labrum** shows:

- Said first and second locking plates engage and secure a plurality of said framing shutters [See column 2 lines 57-68 – column 3 lines 1-3]

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9. In reference to Claim 8, **Labrum** shows:

- Said first and second locking plates engage and secure all of said framing shutters [See column 2 lines 57-68 – column 3 lines 1-3]

Allowable Subject Matter

10. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD


Stephen Husar
Primary Examiner